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UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF CALIFORNIA

In Re:

DAVID MICHAEL PETERS,

Debtor.

**LEONARD J. ACKERMAN, Chapter 7
Trustee,**

Plaintiff,

v.

DAVID MICHAEL PETERS, Debtor,

Defendant.

Case No. 23-00105-CL7

Adv. Proceeding No.: 23-90068-CL

Chapter 7

**STATUS REPORT OF CHAPTER 7
TRUSTEE AND PLAINTIFF LEONARD
J. ACKERMAN**

DATE: July 15, 2024

TIME: 10:00 a.m.

DEPT: One (Room 218)

Judge: Honorable Christopher B. Latham

Leonard J. Ackerman, Trustee and Plaintiff herein, submits his Status Report regarding the above-captioned adversary proceeding ("AP"), as follows:

I.

INTRODUCTION.

1. This adversary proceeding was filed on October 15, 2023 (Referred to as "AP 23-90068-CL" or "AP-90068"). The Trustee submitted his Request to Enter Default on November 30, 2023 (AP-90068 ECF #7). The Court issued its Notice of Entry of Default on December 11, 2023 (AP-90068 ECF #8). Admittedly, Plaintiff has not yet sought entry of default judgment. The Court issued its Notice of Intent to Dismiss Adversary Proceeding without Prejudice for Want of Prosecution on April 26, 2024 (AP-90068 ECF #11).

II.

STATUS OF APPEAL IN ADVERSARY PROCEEDING 23-90042-CL (U.S. TRUSTEE v. DAVID MICHAEL PETERS).

2. Adversary Proceeding No. 23-90042-CL (Referred to as “AP 23-90042-CL” or ‘AP-90042’) was filed on July 17, 2023, by the United States Trustee (“UST”). David Michael Peters, Debtor and Defendant, filed his Answer to the UST’s Complaint on September 12, 2023 (AP-90042 ECF #22), and a hearing was set for October 18, 2023. UST filed a Motion to Strike Answer to Complaint and Request to Enter Default Judgment Denying Debtor’s Discharge on September 18, 2023 (AP-90042 ECF #23).

3. The Court found in favor of the UST and the Judgment Denying Discharge was entered by the Court on February 27, 2024 (AP-90042 ECF #83).

4. David Michael Peters, Debtor and Defendant, filed his Appeal with the United States District Court (“USDC”) on March 11, 2024 (Case No. 24-cv-486-RSH-MMP). This Court received from the USDC a Notice of Unperfected Appeal on April 26, 2024 (AP-90042 ECF #96), and an Order for Appellant to Show Cause Why This Appeal Should Not Be Dismissed for Lack of Prosecution on April 29, 2024 (AP-90042 ECF #98).

5. The USDC filed on May 13, 2024, an Order of Transfer Pursuant to Low Number Rule and the new case number for the USDC Appeal is now Case No. 24-cv-764-RSH-MMP.

6. Plaintiff has purposefully not taken any action, to date, to seek entry of default judgment in AP-90068 because it would have been duplicative to do so and a waste of estate resources.

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III.

CONCLUSION

Based on the foregoing, the Trustee submits his Status Report to inform the Court of the status of the Appeal by the Debtor to the USDC in the Adversary Proceeding in AP-23-90042-CL and that if the Debtor prevails on his appeal, then the Trustee will have to proceed with the Debtor's complaint objecting to the discharge. If the Debtor loses his appeal and a final Order is entered thereupon, the Trustee will thereafter dismiss his adversary proceeding.

Dated: May 14, 2024

Respectfully Submitted,

SLATER & TRUXAW, LLP

By: /s/ Gary E. Slater
GARY E. SLATER
TIMOTHY J. TRUXAW
Attorneys for Leonard J. Ackerman,
Chapter 7 Trustee, Plaintiff